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**VIA ECF**

Hon. Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

March 2, 2020

Re: *K.B.. individually, and on behalf of J.B. a child with a disability. v. New York City Department of Education*  
20-C V-09640 (LGS) (KHP)  
Request for Extension of Time to File a Summary Judgment Motion

Dear Judge Schofield:

I am the Assistant Corporation Counsel with the New York City Law Department recently assigned to represent Defendant New York City Department of Education in the above-referenced action. I write to respectfully request a two-week extension of Plaintiff's time to file a motion for summary judgment, and Defendant's time to reply or file a cross motion. Plaintiffs' counsel, the Cuddy Law Firm, consents to the request.

I am aware that the Court's order states that no extensions will be granted absent extraordinary circumstances. I submit that the COVID-19 lockdown measures are extraordinary circumstances. Corporation Counsel is facing an increase in the number of matters being litigated while suffering a reduction in staff. In addition, the mayor's order that staff work from home hampers our ability to access paper files and other non-digital documents and equipment. Likewise, the two agencies we must deal with on matters such as this, the New York City Department of Education and the Comptroller of the City of New York ("Comptroller"), are also facing difficulty in the timely production of work product.

Plaintiffs brought this action seeking to recover attorney's fees incurred in the course of administrative proceedings brought under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* and this action. I have requested settlement authority from the Comptroller, pursuant to the requirements of the Charter of the City of New York §93(i). The

Comptroller is reviewing my request and I anticipate being able to begin settlement negotiation within a week. I am optimistic that this matter can be settled without further burden to this honorable Court.

Accordingly, I respectfully request that the deadline for plaintiff to file a motion for summary judgment be extended from March 17, 2021 to March 31, 2021, the deadline for opposition be extended from April 7, 2021 to April 21, 2021 and the deadline for reply be extended from April 21, 2021 to May 5, 2021. I further request that the deadline for filing a cross-motion be extended from April 7, 2021 to April 28, 2021.

Thank you for your consideration.

Respectfully,

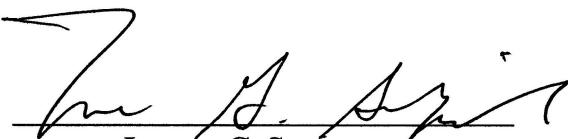
s/ William G. Rives  
William G. Rives  
Assistant Corporation Counsel

cc: Britton H. Bouchard  
Cuddy Law Firm (by ECF)  
Attorneys for Plaintiffs

The application is GRANTED. By **March 31, 2021**, Plaintiff shall file a motion for summary judgment. By **April 21, 2021**, Defendant shall file any response and cross-motion. By **May 5, 2021**, Plaintiff shall file any opposition and reply. By **May 19, 2021**, Defendant shall file a reply. The parties shall comply with the instructions in the scheduling order at Dkt. No. 11 regarding page limits, the administrative record and the joint statement of undisputed facts.

SO ORDERED

Dated: March 3, 2021  
New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE